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2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE EASTERN DISTRICT OF CALIFORNIA
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7 ROBERT ALAN ANTON,

8 Plaintiff,

CV F 05 0412 OWW WMW PC

9 vs.

ORDER

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12 C/O MENDEZ, et al.,

13 Defendants.
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15 On March 9, 2006, an order was entered, dismissing the compliant in this action and
16 granting Plaintiff leave to file an amended complaint. On April 11, 2006, Plaintiff filed a first
17 amended complaint. Plaintiff was granted leave to file a second amended complaint. That order
18 was returned as undeliverable, and the court recommended dismissal for Plaintiff's failure to
19 prosecute. Plaintiff filed objections to the findings and recommendations. The court vacated the
20 findings and recommendations and granted Plaintiff an extension of time to file a second
21 amended complaint. That order was returned as undeliverable, and the court again recommended
22 dismissal. Plaintiff again objected, and the court vacated the recommendation and granted
23 Plaintiff an extension of time in which to file an amended complaint. Plaintiff failed to do so,
24 and the court recommended dismissal for failure to prosecute. Plaintiff filed objections.

25 This action therefore proceeds on the first amended complaint filed on April 11, 2006. In
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1 the order granting Plaintiff leave to file a second amended complaint, he was advised that the
2 first amended complaint stated a claim for relief against C/O Mendez for excessive force. The
3 court granted Plaintiff leave to file a second amended complaint that corrects the defects noted
4 regarding the medical care claim. Plaintiff was specifically advised that should he fail to file an
5 amended complaint, the court would direct service of process upon Defendant Mendez, and
6 recommend dismissal of the remaining defendants.

7 Accordingly, IT IS HEREBY ORDERED that:

8 1. Service is appropriate for the following defendants:

9 C/O MENDEZ

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11 2. The Clerk of the Court shall send to plaintiff one USM-285 form, one summons, a
12 Notice of Submission of Documents form, an instruction sheet and a copy of the
13 first amended complaint filed April 11, 2006.

14 3. Within **thirty (30) days** from the date of this order, plaintiff shall complete the
15 attached Notice of Submission of Documents and submit the completed Notice to
16 the court with the following documents:

17 a. Completed summons;

18 b. One completed USM-285 form for each defendant listed above; and

19 c. Two copies of the endorsed first amended complaint filed April 11, 2006.

20 4. Plaintiff need not attempt service on defendants and need not request waiver of
21 service. Upon receipt of the above-described documents, the court will direct the
22 United States Marshal to serve the above-named defendants pursuant to Federal
23 Rule of Civil Procedure 4 without payment of costs.

24 5. The failure to comply with this order will result in a recommendation that this
25 action be dismissed. IT IS SO ORDERED.

26 **Dated: June 11, 2008**

/s/ William M. Wunderlich

UNITED STATES MAGISTRATE JUDGE

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